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CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016			ARAQUE JR, GERARDO	
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			3629	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/049,484	<b>Applicant(s)</b> IVERS, KEVIN	
	<b>Examiner</b> Gerardo Araque Jr.	<b>Art Unit</b> 3629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/4/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Election/Restrictions***

**Claims 30 – 33** are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/4/07.

### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

2. **Claims 3, 4, and 10** objected to because of the following informalities: **the term “on” should be “an”**. Appropriate correction is required.
3. **Claim 19** is objected to because of the following informalities: **the term “monetary” should be “momentary”**. Appropriate correction is required.
4. **Claim 29** is objected to because of the following informalities: **the term “potable” should be “portable”**. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3629

6. **Claims 4 – 12, 15 – 16, and 21 – 25** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. In regards to **claim 4**, the applicant claims a ROM to have a capacity of 16K words. However, the Examiner asserts that it should read as "a capacity of 16K of data" since memory stores data and not words.

8. The term "**high power**" in **claim 21** is a relative term which renders the claim indefinite. The term "**high power**" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. At which point would an infrared light emitting diode be considered high powered?

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. **Claims 1, 2, and 17 – 19** are rejected under 35 U.S.C. 102(b) as being anticipated by **Huang (US Patent 4,847,776)**.

11. In regards to **claims 1 and 18**, **Huang** discloses an electronic apparatus for use in a parking system, said apparatus comprising:

a housing (**Fig. 1: 1**);

a microcomputer disposed within said housing (**Fig. 2**);

a time monitoring crystal electrically coupled to said microcomputer to generate accurate timekeeping (**Col. 3 Line 3**);

a display means electrically coupled to said microcomputer, said display means externally located on a face of said housing (**Fig. 1: 3**);

at least one momentary switch for operating said apparatus (**Fig. 1: 22, 23, 24**);

and

a battery to power to said apparatus (**inherently included**).

12. In regards to **claims 2 and 19**, **Huang** discloses further comprising four momentary switches for entering data and programming said apparatus (**Fig. 1: 21**).

13. In regards to **claim 13**, **Huang** discloses wherein said apparatus is disposed in an automobile such that said display means can be viewed from a location external to said automobile (**Col 4 Lines 30 – 36**).

14. In regards to **claim 17**, **Huang** discloses an electronic parking system, said system comprising:

an in-car parking meter having a first data transferring means, said meter being disposed in an automobile such that said meter can be viewed from a location external to said automobile (**Huang Fig. 7**), and

a transceiver having a second data transferring means, said second data transferring means configured to communicate with said first transferring means of said in-car parking meter (**Huang Fig. 7**).

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 3 – 14 and 20 – 22, 24 – 25, and 28 – 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Huang (US Patent 4,847,776)** in view of **Jacobs (US Patent 6,195,015 B1)**.

17. In regards to **claims 3, 20, 25**, **Huang** fails to disclose further comprising an infrared serial interface coupled to said microcomputer, said interface includes a light emitting diode and an infrared diode used to send and receive data through said face of said housing.

**Huang**, however, does disclose that the parking meter is capable of communicating with other devices (**Fig. 7**). However, because of the lack of sufficient technological advancements the device does not have diodes to send and receive data.

However, **Jacobs**, discloses a parking meter with light emitting and infrared diodes for sending and receiving data through said face (**Fig. 2: 22, 23, 234**). **Jacobs** discloses that the diodes will allow the information to be transmitted to parking authority enforcement and auditor personnel and allow for a more visible method of displaying

information, such as an expiration indication (**Col. 5 Lines 10 – 20; see also Col. 1 Lines 37 – 47; Col. 13 – 14 Lines 60 – 59**). As can be seen in **Jacobs**, technological advancement have allowed for new methods of sending and receiving data.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Huang's** parking meter in view of the teachings of **Jacobs** to allow for a more efficient manner of transmitting information between a parking authority and the parking meter.

18. In regards to **claim 4, the combination of Huang and Jacobs** disclose wherein said microcomputer further comprises an internal read-only memory (ROM) with a capacity of 16K words for storing programs, bit maps and tables (**Huang Fig. 2: 42; Jacobs Col. 9 Lines 42 – 47**).

19. In regards to **claim 5, the combination of Huang and Jacobs** disclose wherein said microcomputer further comprises an internal random access memory (RAM) with a capacity of 3500 nibbles for storing parking parameters and random codewords (**Huang obviously included; Jacobs Col. 9 Lines 42 – 47**)..

20. In regards to **claim 6, the combination of Huang and Jacobs** discloses wherein said microcomputer further comprises an internal clock divider to generate  $\frac{1}{2}$  Hz and 1/16 Hz clock signals (**obviously included in order to keep accurate measurements of time**).

21. In regards to **claim 7, Jacobs** discloses wherein said microcomputer further comprises an internal battery checking circuit (**Col. 9 Lines 59 – 61**).

22. In regards to **claim 8, the combination of Huang and Jacobs** discloses wherein said crystal operates at 32,768 kHz (**obviously included in order to keep accurate measurements of time; see also Jacobs Col. 9 Lines 59 – 61**).

23. In regards to **claim 9, Jacobs** discloses wherein said display is a liquid crystal display (LCD) (**Fig. 1: 232**).

24. In regards to **claim 10**, although **the combination of Huang and Jacobs** does not disclose wherein said liquid crystal display comprises 1024 pixels organized as an array of 16 rows by 64 columns it would have been obvious from an engineering design choice to create an appropriately sized LCD to fit the device accordingly.

25. In regards to **claim 11, Jacobs** discloses further comprising a temperature sensing circuit, said temperature sensing circuit includes a NTC thermistor, a resistor and a capacitor connected in parallel (**Col. 9 Lines 49 – 52; although Jacobs does not disclose the type of temperature sensing circuit, one skilled in the art would have found it obvious to create a temperature sensing circuit that would meet the requirements of a specific project**).

26. In regards to **claim 12, the combination of Huang and Jacobs** discloses wherein said microcomputer further comprises an LCD electrical interface coupling said microcomputer to said liquid crystal display, said LCD interface controls bias voltages to said liquid crystal display in response to an input to said microcomputer from said temperature sensing circuit (**Huang Fig. 2; Jacobs Fig. 18 D**).



27. In regards to **claim 14**, **Huang** fails to disclose further comprises a motion detecting means, said motion detecting means terminates active parking upon detecting motion.

However, **Jacobs** discloses that it is old and well known for parking meters to contain motion-detecting devices (**Col. 7 – Col. 9**). **Jacobs** discloses ~~that~~<sup>that</sup> one of the uses of having a motion-detecting device on a parking meter is to alert an individual on the status of the parking meter, i.e. whether the parking meter has expired.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Huang** in view of the teachings of **Jacobs** to include a motion-detecting device on a parking meter in order to alert an individual on the status of the parking meter.

28. In regards to **claim 24**, **Huang** fails to disclose wherein said transceiver is positioned at an entrance to a parking facility.

However, as already discussed above, **Jacobs** discloses a parking meter with light emitting and infrared diodes for sending and receiving data through said face (**Fig. 2: 22, 23, 234**). **Jacobs** discloses that the diodes will allow the information to be transmitted to parking authority enforcement and auditor personnel and allow for a more visible method of displaying information, such as an expiration indication (**Col. 5 Lines 10 – 20; see also Col. 13 – 14 Lines 60 – 59**). It is old and well known for parking authority enforcement to be located anywhere within a parking facility. Moreover, it would have also been obvious to have the transceiver located at the entrance of a

parking facility in order for the parking authority enforcement to properly register when the in-car parking meter enters and leaves the parking facilities.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Huang** in view of the teachings of **Jacobs** to have the transceiver located at the entrance of a parking facility in order for the parking authority enforcement to properly register when the in-car parking meter enters and leaves the parking facility.

29. In regards to **claims 21, 22, and 28**, **Huang** fails to disclose further comprising an external receiver, said external receiver comprising a light point source and a photo detector which when directed toward said in-car parking meter passively receives information from said in-car parking meter.

**Huang**, however, does disclose that the parking meter is capable of communicating with other devices (**Fig. 7**). However, because of the lack of sufficient technological advancements the device does not have diodes to send and receive data.

However, **Jacobs**, discloses a parking meter with light emitting and infrared diodes for sending and receiving data through said face (**Fig. 2: 22, 23, 234**). **Jacobs** further discloses a hand held computer used by the parking authority. One of the uses of the hand held computer is to communicate with the meter via the infrared transmitter in the officer's hand held computer (**Column 14 Lines 38 – 41; see also Columns 13 – 14 Lines 60 – 59**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Huang** in view of the teachings of **Jacobs** to include

a hand held computer to communicate with the parking meter in order to better able to control cost and allow for a parking enforcement officer to search for information relating to a vehicle.

30. In regards to **claim 29, Jacobs** discloses wherein said external receiver is portable, said external receiver being carried by a parking enforcement official to read data from said in-car parking meter (**Columns 13 – 14 Lines 60 – 59**).

31. **Claims 15 – 16, 23, and 26 – 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Huang (US Patent 4,847,776)** in view of **Jacobs (US Patent 6,195,015 B1)** and in further view of **Ferguson (US Patent 6,184,969 B1)**.

32. In regard to **claims 15 – 16, 23, and 26 – 27, the combination of Huang and Jacobs** disclose the use of an LCD screen. However, the combination fails to disclose wherein said liquid crystal display includes a controllable segment, said segment allows light to pass through said display when off and blocks light when said segment is on; and further comprising a corner cube to reflect light back to its source, said corner cube being disposed behind said segment of said LCD display, whereby upon light being directed at said corner cube said segment will be turned on and off to passively transmit data from said apparatus.

However, **Ferguson** discloses that reflective-type LCD screens are old and well known in the art (**Col. 2 Lines 1 – 8; Col. 6 Lines 44 – 49; Col. 7 Lines 1 – 3**).

Moreover, Ferguson also discloses that it is also old and well known to use corner cubes as the reflective material of such a system (**Col. 47 Lines 10 – 15**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the combination of Huang and Jacobs with the teachings of Fergason to include a reflective-type LCD screen for a system that requires some type of transmission through an LCD.

***Conclusion***


33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found in PTO-892 Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA  
5/10/07



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